



PATENT
Docket No. 546322000100
Client Ref. 2498060/EJH/ls

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CHRISTINE JUMOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Robert N. RICE and Bruce T.
HARRISON

Serial No.: 10/081,646

Filing Date: February 22, 2002

For: A METHOD AND KIT

Examiner: D. R. Gunter

Group Art Unit: 1634

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97 & 1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record. **A paper copy of the pending U.S. Patent Applications marked with an asterisk (*) are not provided.**

04/24/2003 JBALINAN 00000061 031952 10081646

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This Information Disclosure Statement is submitted:

- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ **After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.**
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☒ **A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate. Fee: \$180.00**
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 546322000100. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 21, 2003

Respectfully submitted,

By: Michael R. Ward
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APR 21 2003

PTO/SB/08 (2-92)

Sheet 1 of 3

Form PTO-1449

Docket Number 546322000100

Application Number 10/081,646

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Robert N. RICE and Bruce T. HARRISON

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Group Art Unit 1634

Mailing Date April 21, 2003

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	Filed 07/28/2000	*09/628,176	Graham			
	2.	Filed 06/19/1998	*09/100,812	Graham et al.			
	3.	Filed 12/05/2000	*09/646,807	Graham et al.			
	4.	Filed 09/19/1998	*09/100,814	Graham			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	5.	09/30/1999	WO 99/49029	WIPO			
	6.	09/27/2001	WO 01/70949 A1	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	7.	Bassler, Heidi A. et al. (1995) "Use of a Fluorogenic Probe in a PCR-Based Assay for the Detection of <i>Listeria monocytogenes</i> " <i>Applied and Environmental Microbiology</i> 61 (10): 3724-3728.
	8.	Belgrader et al. (1999) "PCR Detection of Bacteria in Seven Minutes" <i>Science</i> 284 (5413): 449. (from http://www.sciencemag.org/cgi/content/full/284/5413/449 , August 16, 2002)
	9.	Dawson, Barbara A. et al. (1989) "Affinity Isolation of Transcriptionally Active Murine Erythroleukemia Cell DNA Using a Cleavable Biotinylated Nucleotide Analog" <i>The Journal of Biological Chemistry</i> 264 (22): 12830-12837.
	10.	Fahy, Eoin et al. (1993) "Design and synthesis of polyacrylamide-based oligonucleotide supports for use in nucleic acid diagnostics" <i>Nucleic Acids Research</i> 21 (8): 1819-1826.
	11.	Gatehouse, John and Andrew J. Thompson (1995) "Nuclear 'Run-On' Transcription Assays" <i>Methods in Molecular Biology</i> 49: 229-238.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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PTO/SB/08 (2-92)

Sheet 2 of 3

Form PTO-1449

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Applicant

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| 12. | Hildebrandt Audrey L. and P. Darrell Neuffer (2000) "Exercise attenuates the fasting-induced transcriptional activation of metabolic genes in skeletal muscle" <i>Am J Physiol Endocrinol Metab</i> 278: E1078-E1086. |
| 13. | Holmstrom, Kim et al. (1993) "A Highly Sensitive and Fast Nonradioactive Method for Detection of Polymerase Chain Reaction Products" <i>Analytical Biochemistry</i> 209: 278-283. |
| 14. | Hultman, Thomas et al. (1989) "Direct solid phase sequencing of genomic and plasmid DNA using magnetic beads as solid support" <i>Nucleic Acids Research</i> 17 (13): 4937-4946. |
| 15. | Kemp, David J. (1992) "Colorimetric Detection of Polymerase Chain Reaction-Amplified DNA Segments Using DNA-Binding Proteins" <i>Methods in Enzymology</i> 116-126. |
| 16. | Kemp, David J. (1989) "Colorimetric detection of specific DNA segments amplified by polymerase chain reactions" <i>Proc. Natl. Acad. Sci. USA</i> 86: 2423-2427. |
| 17. | Kohsaka, Hitoshi et al. (1993) "Microtiter format gene quantification by covalent capture of competitive PCR products: application to HIV-1 detection" <i>Nucleic Acids Research</i> 21 (15): 3469-3472. |
| 18. | Lee, Linda G. et al. (1993) "Allelic discrimination by nick-translation PCR with fluorogenic probes" <i>Nucleic Acids Research</i> 21 (16): 3761-3766. |
| 19. | Lew, Andrew M. and David J. Kemp (1989) "Isolating DNA segments from cloned libraries without screening by affinity selection of PCR products" <i>Nucleic Acids Research</i> 17 (14): 5859-5860. |
| 20. | Livak, Kenneth J. et al. (1995) "Oligonucleotides with Fluorescent Dyes at Opposite Ends Provide a Quenched Probe System Useful for Detecting PCR Product and Nucleic Acid Hybridization" <i>PCR Methods and Applications</i> 4: 357-362. |
| 21. | Livak, Kenneth J. and John A. Todd (1995) "Towards fully automated genome-wide polymorphism screening" <i>Nature Genetics</i> 9: 341-342. |
| 22. | Lund, Vera et al. (1988) "Assessment of methods for covalent binding of nucleic acids to magnetic beads, Dynabeads, and the characteristics of the bound nucleic acids in hybridization reactions" <i>Nucleic Acids Research</i> 16: 10861-10880. |
| 23. | Olejnuk, Jerzey et al. (1996) "Photocleavable biotin phosphoramidite for 5'-end-labeling, affinity purification and phosphorylation of synthetic oligonucleotides" <i>Nucleic Acids Research</i> 24 (2): 361-366. |
| 24. | Patrone, G. et al. (2000) "Nuclear run-on assay using biotin labeling, magnetic bead capture and analysis by fluorescence-based RT-PCR" <i>Biotechniques</i> 29 (5): 1012, 1014, 1016-1017. |
| 25. | Rolfe, FG and WA Sewell (1997) "Analysis of human interleukin-5 gene transcription by a novel nuclear run on method based on the polymerase chain reaction" <i>J Immunol Methods</i> 202 (2): 143-151. |
| 26. | Srivastava, Rai Ajit K. and Gustav Schonfeld (1998) "Measurements of Rate of Transcription in Isolated Nuclei by Nuclear 'Run-off' Assay" <i>Methods in Molecular Biology</i> 86: 201-207. |

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| 29. | Syvanen, Ann-Christine et al. (1988) "Quantification of polymerase chain reaction products by affinity-based hybrid collection" <i>Nucleic Acids Research</i> 16: 11327-11338. |

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